IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 33761 of 2006(T)

OS.512/2006 of I ADDL.M.C.,ERNAKULAM
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PETITIONER:

MAHARAJA CONTINENTAL TRADERS,
FLAT NO.401, MEENAKSHI APARTMENTS,
4TH FLOOR, PALLIYIL LANE, COCHIN, REP. BY
POWER OF ATTORNEY HOLDER, MR.VINOD KUMR, 43 YEARS,
S/O.V.RAMAN NAIR, KRIPA, MARIMATHA ROAD, VAZHAKALA
KAKKANADU, ERNAKULAM.

BY ADV. SRI.TWINKLE GEORGE

RESPONDENTS:
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1. V.PACK BIODEGRABLES PVT. LTD.,
G.P.O.JN., OPP.MODERN CENTRE, PULIMOODU,
THIRUVANANTHAPURAM-1, REP. BY ITS
MANAGING DIRECTOR.

2. MATHEW J.JOHN, MANAGING DIRECTOR,
V.PACK BIODEGRADABLES PVT. LTD.,
G.P.O.JN., OPP.MODERN BOOK CENTRE, PULIMOODU,
THIRUVANANTHAPURAM-1.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 33761 OF 2006

Dated 19th December 2006

JUDGMENT

Petitioner is challenging the order of learned Munsiff passed under Order VII of Rule 10 of the Code of Civil Procedure in this petition. Under Rule 1(a) of Order XLIII of the Code such an order is appealable. When petitioner has a substantive right of appeal, extra ordinary jurisdiction of this court under Article 227 of Constitution of India cannot be invoked.

Writ petition is dismissed with liberty to the petitioner to challenge the order in appeal.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.